



General Assembly

January Session, 2007

Committee Bill No. 335

LCO No. 4027

04027SB00335KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT REQUIRING A FACTUAL BASIS FOR ACCEPTING A PLEA IN CERTAIN JUVENILE MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 46b-129 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (d) The preliminary hearing on the order of temporary custody or
5 order to appear or the first hearing on a petition filed pursuant to
6 subsection (a) of this section shall be held in order for the court to: (1)
7 Advise the parent or guardian of the allegations contained in all
8 petitions and applications that are the subject of the hearing; (2) assure
9 that an attorney, and where appropriate, a separate guardian ad litem
10 has been appointed to represent the child or youth in accordance with
11 sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to
12 represent the respondent when the respondent is unable to afford
13 representation, as determined by the court; (4) advise the parent or
14 guardian of the right to a hearing on the petitions and applications, to
15 be held not later than ten days after the date of the preliminary hearing
16 if the hearing is pursuant to an order of temporary custody or an order

17 to show cause; (5) accept a plea regarding the truth of such allegations
 18 upon a finding that a factual basis exists for accepting such plea; (6)
 19 make any interim orders, including visitation, that the court
 20 determines are in the best interests of the child or youth. The court,
 21 after a hearing pursuant to this subsection, shall order specific steps
 22 the commissioner and the parent or guardian shall take for the parent
 23 or guardian to regain or to retain custody of the child or youth; (7) take
 24 steps to determine the identity of the father of the child or youth,
 25 including ordering genetic testing, if necessary, and order service of
 26 the petition and notice of the hearing date, if any, to be made upon
 27 him; (8) if the person named as the father appears, and admits that he
 28 is the father, provide him and the mother with the notices that comply
 29 with section 17b-27 and provide them with the opportunity to sign a
 30 paternity acknowledgment and affirmation on forms that comply with
 31 section 17b-27. Such documents shall be executed and filed in
 32 accordance with chapter 815y and a copy delivered to the clerk of the
 33 superior court for juvenile matters; and (9) in the event that the person
 34 named as a father appears and denies that he is the father of the child
 35 or youth, advise him that he may have no further standing in any
 36 proceeding concerning the child, and either order genetic testing to
 37 determine paternity or direct him to execute a written denial of
 38 paternity on a form promulgated by the Office of the Chief Court
 39 Administrator. Upon execution of such a form by the putative father,
 40 the court may remove him from the case and afford him no further
 41 standing in the case or in any subsequent proceeding regarding the
 42 child or youth until such time as paternity is established by formal
 43 acknowledgment or adjudication in a court of competent jurisdiction.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	46b-129(d)
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Statement of Purpose:

To require the court to find a factual basis for accepting a plea regarding the truth of allegations in certain juvenile matters.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HARP, 10th Dist.

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